

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No. 22-mj-56

PAULINO GONZALEZ-ZARATE,

Defendant.

COMPLAINT FOR VIOLATION OF TITLE 8,
UNITED STATES CODE, SECTION 1326

BEFORE United States Magistrate Judge
Stephen L. Crocker

United States District Court
120 North Henry Street
Madison, Wisconsin 53703

The undersigned complainant being duly sworn states:

COUNT 1

On or about April 14, 2022, in the Western District of Wisconsin, the defendant,

PAULINO GONZALEZ-ZARATE

an alien, who was previously excluded, deported, or removed and was found in the United States after intentionally reentering the United States, without having previously obtained the express consent of the United States Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States.

(In Violation of Title 8, United States Code, Section 1326)

This complaint is based on the attached affidavit of Brett A. Kubiszewski, ICE.

BRETT A. KUBISZEWSKI, Deportation
Officer
Immigration and Customs Enforcement

Sworn before me telephonically this 28th day of April 2022.



HONORABLE STEPHEN L. CROCKER
United States Magistrate Judge

COUNTY OF DANE)
STATE OF WISCONSIN)
ss)

AFFIDAVIT

I, Brett A. Kubiszewski, first being duly sworn under oath, hereby depose and state as follows:

1. I am a Deportation Officer with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been so employed by the DHS as a designated Immigration Officer since 2008. I am currently assigned to the Chicago Field Office, Madison Sub-Office, Criminal Alien Program. During my tenure with DHS, I have investigated both criminal and administrative violations of the laws of the United States.

2. This affidavit is submitted in support of an application for a complaint charging PAULINO GONZALEZ-ZARATE with violating Title 8 United States Code, Section 1326. As set forth below, GONZALEZ-ZARATE is an alien, who was previously removed and was found in the United States after intentionally reentering the United States, without having previously obtained the express consent of the United States Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States.

3. This affidavit is based upon my personal involvement in this investigation, my training and experience, my review of relevant evidence, as well as information supplied to me by other law enforcement officers. It does not include each and every fact known to me about this investigation, but rather only those facts that I

believe are sufficient to establish the requisite probable cause. This affidavit is also based on information I have received from Dane County law enforcement and the US Marshals Service, both of which I believe be reliable.

4. On April 14, 2022, PAULINO GONZALEZ-ZARATE was booked into the Dane County Jail as the result of multiple open Dane County state warrants for battery (3 counts), strangulation and suffocation, disorderly conduct- domestic abuse repeater modifiers (2 counts), and 2nd degree sexual assault.

5. Subsequent to his arrest, GONZALEZ-ZARATE's fingerprints and photograph were taken and electronically submitted to federal law enforcement databases including IAFIS (Integrated Automated Fingerprint Identification System) and IDENT (Automated Biometric Matching System). These databases, among other things, electronically compare fingerprints and other biometric data from recent arrestees with fingerprints and biometric data from individuals previously encountered by law enforcement.

6. After GONZALEZ-ZARATE's fingerprints were submitted to Department of Justice and Department of Homeland Security databases by the Dane County Jail, they were electronically matched to FBI# 511152HD7, which is associated with PAULINO GONZALEZ-ZARATE, Alien Registration No: 200 609 965.

7. I reviewed documents from Alien Registration File ("A-File") No. 200 609 965, which is the A-File # assigned to GONZALEZ-ZARATE. An A-File is the file DHS maintains for non-citizens with civil immigration or law enforcement encounters. The A-File number corresponds to the non-citizen's Alien Registration Number. These files

contain, among other things, prior encounters with United States Border Patrol and ICE, criminal history information, immigration documents, fingerprints, and photographs.

8. I received a copy of the recent booking photographs taken from GONZALEZ-ZARATE by the Dane County Jail. I compared these photographs to the photographs taken at the time of GONZALEZ-ZARATE's previous arrests by the United States Border Patrol and ICE from April 2010 through March 2019. All photographs bear resemblance to the same individual identified as, GONZALEZ-ZARATE.

9. Documents within GONZALEZ-ZARATE's A-File show that he is a citizen and national of Mexico. Documents within the A-File also indicate that on April 9, 2010, GONZALEZ-ZARATE was arrested by the United States Border Patrol at or near Tucson, AZ while attempting to illegally enter the United States. On April 9, 2010, he was removed from the United States via afoot from Laredo, TX to Mexico.

10. On April 21, 2010, GONZALEZ-ZARATE was arrested by the United States Border Patrol at or near Falfurrias, TX while attempting to illegally enter the United States. On April 27, 2010, GONZALEZ-ZARATE was removed from the United States via afoot from Hidalgo, TX to Mexico.

11. On August 8, 2018, GONZALEZ-ZARATE was arrested by Immigration and Customs Enforcement in Milwaukee, Wisconsin, following his arrest in Dane County, WI for strangulation and suffocation. On November 19, 2018, in the U.S. Western District of Wisconsin, GONZALEZ-ZARATE was sentenced to three months in the Bureau of Prisons for violation of Title 8 United States Code 1326. On April 27,

2018, GONZALEZ-ZARATE was removed from the United States via afoot from Hidalgo, Texas to Mexico.

12. On or about March 8, 2019, GONZALEZ-ZARATE was arrested by the United States Border Patrol at or near Laredo, TX while attempting to illegally enter the United States. On March 9, 2019, GONZALEZ-ZARATE was removed from the United States via afoot from Laredo, Texas to Mexico.

13. All of GONZALEZ-ZARATE's removals from the United States to Mexico were verified by federal immigration officers.

14. Records checks of federal databases indicate that GONZALEZ-ZARATE has never applied for permission from the Attorney General or Secretary of the Department of Homeland Security to re-enter the United States after his prior orders of removal.

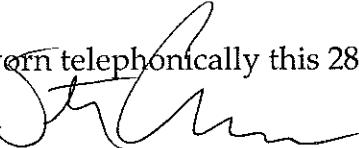
15. Based on information from Dane County, Wisconsin authorities and the US Marshals Service, on April 15, 2022, GONZALEZ-ZARATE was released on bail pending trial by the Dane County Circuit Court and ordered to report to bail monitoring on April 18, 2022, to receive a GPS bracelet. GONZALEZ-ZARATE failed to appear. A warrant was issued for his arrest and Dane County requested the assistance of the U.S. Marshals. On April 22, 2022, he was arrested after being found in the crawl space of his brother's residence. The crawl space could only be accessed through an upstairs bedroom closet.

16. Based on the foregoing, there is probable cause to believe that on or about April 14, 2022, GONZALEZ-ZARATE violated Title 8 United States Code, Section 1326

(Re-entry of previously removed aliens). Accordingly, I respectfully request that the Court issue a complaint charging GONZALEZ-ZARATE with that crime.

BRETT A. KUBISZEWSKI, Deportation Officer
Immigration and Customs Enforcement

Sworn telephonically this 28 day of April 2022.


HONORABLE STEPHEN L. CROCKER
United States Magistrate Judge